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Legal representation
Los Angeles Co.

# ANNUAL REPORT

# OF

# PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1951 to June 30, 1952

ELLERY E. CUFF

PUBLIC DEFENDER

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# REPORT OF THE PUBLIC DEFENDER
## July 1, 1951 to June 30, 1952

The County Charter, under which the office of Public Defender was created, provides that upon request by the defendant or upon order of the court, the Public Defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged, in the superior court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed $100, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

The Charter also provides that each county or township officer, board or commission shall have the powers and perform the duties now or hereafter prescribed by general law, and by this Charter, as to such officer, board or commission.

In 1943 the State enacted a law creating a "procedure for restoration of rights and application for pardon," after a convicted person had served his term of imprisonment. This is commonly referred to as the "Rehabilitation Act" and it prescribes in detail the conditions and circumstances to be followed by those desiring to avail themselves of the benefits. The act also provides that the applicant, if he has no counsel, shall be represented by the Public Defender.

In 1949 the State Legislature amended the Government Code in defining the duties of the Public Defender by requiring the Public Defender to represent persons having no attorney or the financial means of employing one, who are charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the preliminary examination.

This latter amendment necessitated a slight increase in personnel to handle the additional duties imposed on the office. However, the effect of this would seem to have accomplished beneficial results. Excluding the areas embraced in the cities of Los Angeles and Long Beach, there is a substantial increase in the disposition of cases in the municipal or justice courts in cases where felony complaints were filed. Stating it another way, where such complaints were filed we find a large percentage are disposed of in the lower courts by dismissal, or pleas to some crime commensurate with the facts of the case, thereby reducing the number of

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defendants being held to answer. Every time we can avoid putting the machinery of the superior court in motion, it represents a substantial saving to the county.

By having an attorney trained in criminal law appear at the preliminary hearing, proper cross-examination or evidence produced by the defense often brings to light that the crime charged was not committed at all or that the facts, if showing a crime was committed, do not amount to a felony.

The office for the year embraced the Public Defender, Chief Deputy and fifteen Deputy Public Defenders. To this number two Deputy Public Defenders were added in December, 1951, to handle preliminary hearings as mentioned hereinbefore. Until June 30, 1952, these two deputies were hired on a temporary basis.

The attorneys are required to devote all of their time to the duties of the office and are not permitted any outside private practice.

The office has an investigation staff of three, one Lieutenant and two Investigators. The clerical staff consists of one Secretary, two Legal Secretaries, two Intermediate Stenographers and one Stenographer.

The main office of the Public Defender is located in the Hall of Records, in the Civic Center of Los Angeles. Several years ago a branch office was opened to serve the departments of the superior court in Long Beach. The Long

Beach office is staffed with a Deputy Public Defender and a Legal Secretary. The criminal departments of the superior court functioning in Pasadena, Pomona and Santa Monica are served by deputies working out of the main office.

The work of the investigation staff is confined almost exclusively to the criminal jurisdiction of the office. The Investigators' duties are comparable to those of investigators in any private law office or in the District Attorney's office, locating witnesses and making field investigations of cases assigned to them by trial deputies in the department. This phase of the work of the office has resulted in substantial economy, which is reflected and measured by the number of dismissals noted, in many of which evidence, unimpeachable, was discovered showing the complete innocence of the defendants.

Thus, by careful investigation, we have been able to dispose of many cases which otherwise would have had to be tried, and in almost every trial in which there has been an investigation the duration of the trial is shortened by reason of the fact that the trial deputy is fully advised as to the evidence to be presented and is able to present it expeditiously. Thus substantial savings in trial costs are accomplished.

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1951 to June 30, 1952

| | | |
|---|---|---|
| **NATURE OF SUIT CASES RECEIVED:** | | |
| Los Angeles | 2,477 | |
| Contributing | 78 | |
| Pasadena | 212 | |
| Pomona | 105 | |
| Santa Monica | 220 | |
| Long Beach | 264 | 3,850 |
| **VIOLATIONS OF PROBATION:** | | |
| Los Angeles | 298 | |
| Pasadena | 23 | |
| *Pomona | 64 | |
| Long Beach | 64 | |
| Santa Monica | 17 | 464 |
| **CIVIL INSANITY WITH JURY TRIAL** | | 16 |
| **MOTIONS TO MODIFY PROBATION:** | | |
| Los Angeles | 11 | |
| Pasadena | 4 | |
| Pomona | 15 | |
| Santa Monica | 12 | |
| Long Beach | 10 | 52 |
| **PRELIMINARY HEARINGS** | | 365 |
| **MISCELLANEOUS:** | | |
| Sex psychopathics, habeas corpus, juvenile petitions, etc. | | 14 4,786 |

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| | | |
|---|---|---|
| **REHABILITATION PROCEEDINGS:** | | |
| Rehabilitation proceedings initiated | 18 | |
| Hearings on rehabilitation petitions | 12 | |
| Certificates of good character granted | 7 | |
| Certificates of good character denied | 1 | 5 |
| **WITNESSES CALLED:** | | |
| Pending 7-1-51 and finished during current year - all courts | | 507 |
| **WITNESSES CALLED:** | | |
| Pending 6-30-52 - all courts | | 380 |
| | | 1 |

**APPEALS:**
Two appeals in criminal cases were taken during the year. One is still pending and in the other case the defendant committed suicide before the higher court took final action.

*Most of these are cases in which the judge had granted probation while presiding in one of the criminal courts in Los Angeles over a number of years. Hence the violation proceedings were transferred to Pomona.

SUMMARY OF DISPOSITIONS OF CRIMINAL CASES

July 1, 1951 to June 30, 1952

| Dispositions | | | Number of Cases |
|---|---|---|---|
| MAJOR CALENDAR DISPOSITIONS: | | | |
| Pleaded guilty | | 1,406 | |
| Substituted out - no pretrial preparation | | 133 | |
| Dismissed | | 53 | |
| Transferred to Juvenile Court | | 17 | |
| Placed off calendar because: | | | |
| Def. psycho. - State Hospital | 11 | | |
| Presently insane | 4 | | |
| Civil Insanity petitions filed | 10 | | |
| Defendants unavailable - bench warrants issued | 4 | | |
| Other miscellaneous reasons | 2 | 31 | 1,640 |
| TRIAL COURT DISPOSITIONS: | | | |
| Pleaded guilty | | 1,043 | |
| Substituted out after pretrial preparation | | 217 | |
| Dismissed | | 176 | |
| Transferred to Juvenile Court | | 15 | |
| Placed off calendar because: | | | |
| Civil insanity petitions filed | 10 | | |
| Presently insane | 3 | | |
| Defendants unavailable - bench warrants issued | 2 | | |
| Action taken in other collateral cases | 1 | | |
| Other miscellaneous reasons | 11 | 27 | 1,478 |
| TRIAL BY JURY TO VERDICT - ON FELONY CASES | | | 140 |
| TRIAL BY COURT, WITHOUT JURY, TO VERDICT - ON FELONY CASES | | | 387 |
| TRIAL AFTER PETITION OF CIVIL INSANITY FILED (CRIMINAL CASES): | | | |
| Charged with crime but because of mental condition prosecution granted to file insanity petition and the criminal case placed off calendar | | | 14 |

| (continued) | Dispositions | Number of Cases |
|---|---|---|
| VIOLATIONS OF PROBATION | 464 | |
| Placed off calendar - defendant not available for hearing and bench warrant issued | 4 | 468 |
| PRELIMINARY HEARINGS: | | |
| Held to answer | 259 | |
| Transferred to Juvenile Court | 1 | |
| Pleaded guilty to misdemeanor | 38 | |
| Dismissed or otherwise disposed of | 67 | 365 |
| MISCELLANEOUS: | | |
| Petitions to modify probation: | | |
| Granted | 28 | |
| Denied | 4 | |
| Substituted out | 1 | 33 |
| Juvenile petitions appeared on: | | |
| Off calendar | 2 | |
| Dismissed | 1 | 3 |
| Youth Authority petitions to dismiss: | | |
| Granted | | 1 |
| Sex Psychopathics: | | |
| Returned from State Hospital for sentence or other disposition | | 29 |
| CONTRIBUTING TO DELINQUENCY OF MINOR CASES: | | |
| Pleaded guilty | 37 | |
| Dismissed or placed off calendar | 12 | |
| Substituted out | 22 | |
| Transferred to Juvenile Court | 5 | |
| Trials by court - no jury | 1 | |
| Trials by jury | 1 | 78 |

## CIVIL JURISDICTION
July 1, 1951 to June 30, 1952

| | | |
|---|---|---|
| Applications in which advice was given | | 6,945 |
| Applications rejected: | | |
| Refused | 510 | |
| Referred to attorneys | 2,816 | 3,326 |
| *Applications referred to other agencies and unclassified | | 2,452 |
| Accepted cases (see next table) | | 1,176 |
| Total applications for assistance | | 14,099 |

*Because the subject matter was not within the civil jurisdiction (example - real property) or applicant able to pay a fee.

### DETAIL OF ACCEPTED CASES

| | |
|---|---|
| Illegal attachments - garnishments | 2,234 |
| Guardianships | 203 |
| Persecutions - other than exemptions and invalid assignments | 142 |
| Wage claims and miscellaneous | 194 |
| Waivers of premarital test | 132 |
| | 2,905 |

### RECOVERIES FOR CLIENTS

| | |
|---|---|
| Wages released from illegal attachments - garnishments | $119,061.16 |
| Defense in civil cases | 5,771.81 |
| Wages collected | 93.59 |
| Miscellaneous items | 3,507.16 |
| Collected on cases pending 7-1-51 | 6,985.85 |
| | $135,419.56 |
| Total appearances in court on civil cases | 650 |
| One appeal was taken in a civil action and carried to a successful conclusion | 1 |

All figures regarding civil cases include the Long Beach office.

REPORT OF BUREAU OF INVESTIGATION

July 1, 1951 to June 30, 1952

| | |
|---|---|
| Criminal cases handled | 1,577 |
| Civil cases handled | 47 |
| Total cases received for investigation | 1,624 |

| | |
|---|---|
| *Defendants represented, criminal | 1,702 |
| Persons interviewed in field | 6,172 |
| Persons subpoenaed at interview | 523 |

*A case sometimes involves more than one defendant.

FINANCIAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1951 to June 30, 1952

MONEYS RECEIVED

| | |
|---|---|
| Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented | $965.57 |
| No moneys belonging to the County of Los Angeles were collected. | |

MONEYS EXPENDED

| | | |
|---|---|---|
| Total salaries paid | | $166,646.85 |
| Total Outlay Expenditures: | | |
| Books | $92.78 | |
| Furniture & Furnishings | 750.60 | 843.38 |
| Total Maintenance & Operation | | 5,337.08 |
| | | $172,827.31 |

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